

# City Council Agenda

Council President  
Larry Westerlund

Councilmembers

Andreas Borgeas  
Lee Brand – Acting President  
Mike Dages

Clinton J. Olivier  
Cynthia A. Sterling  
Blong Xiong

City Manager  
Mark Scott

City Clerk  
Rebecca E. Klisch, CMC

City Attorney  
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## December 9, 2010

**Councilmember Borgeas will be present via conference call from Memorial Hall, Harvard University, 45 Quincy Street, Cambridge, MA 02138.**

**8:30 A.M. ROLL CALL**

Invocation by Dr. William C. Nolte of the Fresno First Baptist Church

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Presentation of newly elected Downtown Property Based Improvement District (PBID) board members – Downtown and Community Revitalization Dept. – **Introductions made**

Presentation of a Certificate of Recognition to Lou Xiong for being awarded the 2010 Milken National Educator Award – Councilmember Xiong - **Presented**

Presentation of Prime Time for Business “La Tapatia” – Downtown and Community Revitalization Dept. – Local Business Initiatives – **Presentation made**

**The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.**

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve City Council minutes of December 2, 2010

**Action Taken:** Approved

Councilmember Reports and Comments

**Action Taken:** Made

Approve Agenda

**Action Taken:** Approved as presented

Adopt Consent Calendar

**Action Taken:** Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. Adopt Finding of a Categorical Exemption per staff determination, pursuant to Section 15301 (Existing Facilities) Class 1 (c) of the CEQA Guidelines, for the modification of traffic signals at the intersection of Belmont Avenue and Maple Avenue (*Property located in District 7*) – Public Works Dept.

**Action Taken:** Adopted

1. Award a construction contract in the amount of \$272,542.00 to A-C Electric Company of Fresno for the modification of traffic signals at Belmont Avenue and Maple Avenue

**Action Taken:** Awarded

- B. Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) 15304 (Minor Alterations to Land) of the CEQA Guidelines for the installation of traffic signals at the intersection of Fruit Avenue and Saginaw Avenue – Public Works Dept.

**Action Taken:** Adopted

1. Award a construction contract in the amount of \$169,145.88 to Prestige Electric of Clovis, California for the Fruit Avenue and Saginaw Avenue traffic signals installation (*Property located in District 1*)

**Action Taken:** Awarded

- C. \* **RESOLUTION** - 60th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating a \$10,000 contribution from the National Science Foundation in the PARCS Dept. to continue the Community Science Program at Granny's Center (*Requires 5 affirmative votes*) (*Property located in District 7*) - PARCS

**Action Taken:** Resolution No. 2010-278 adopted

1. **CONSENT CALENDAR CONTINUED**

- D. Approve proposed City Council meeting schedule for 2011 – City Clerk’s Office  
**Action Taken:** Approved
- E. \* **BILL NO. B-47 - (Intro. 12/2/2010) (For adoption)** – Adopting findings related to local climatic, topographical and geological conditions that make the amendments to the California Mechanical Code reasonably necessary; repealing Article 1, Chapter 11 of the Fresno Municipal Code, and adding Article 1, Chapter 11 relating to the adoption and amendment of the 2010 editions of the California building, residential, electrical, mechanical, plumbing, energy, and green building standards codes and renumbering the universal design standard – Development and Resource Mgmt. Dept.  
**Action Taken:** Ordinance No. 2010-49 adopted
- F. \* **BILL NO. B-48 - (Intro. 12/2/2010) (For adoption)** – Amending Subsection (d) of Section 1-308 of the Fresno Municipal Code relating to issuance of animal citations when unable to locate the violator - PARCS  
**Action Taken:** Ordinance No. 2010-50 adopted
- G. **BILL NO. - (For introduction)** Amending Sections Subsection 3 of Section 12-4.502-C of the Fresno Municipal Code, relating to action on recommendations for Urban Growth Management Areas (Text Amendment Application No. TA-10-003) – Development and Resource Management Dept.  
**Action Taken:** Bill No. B-49 introduced/laid over

**CONTESTED CONSENT CALENDAR**

9:15 A.M. #1 **GENERAL ADMINISTRATION**

- A. Rescind award of an \$852,000.79 contract with System Development Integration, LLC, of Chicago, Illinois, and award a \$1,028,467.20 contract to Safety Vision, LLC, of Houston, Texas for the purchase and installation of the in-bus digital camera system – Department of Transportation/FAX  
**Action Taken:** Recommendation approved
- B. Adopt Finding of Categorical Exemption per staff determination, pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines for the Promenade parking lot license agreement – Public Works Department  
**Action Taken:** Adopted
1. Authorize a ten (10) year parking license agreement between the City of Fresno and Baltara Enterprises LP to provide 110 employee parking stalls for the Small Business Administration in the City of Fresno Promenade parking lot at a base rate of \$30.00 per month per stall  
**Action Taken:** Authorized
- C. Consider Plan Amendment Application No. A-09-009 filed by John M. Dugan, Director of the Development and Resource Management Department, a request to amend Policy E-1-o of the 2025 Fresno General Plan as it relates to sidewalk requirements on private residential streets (**Citywide**) - Development and Resource Management Dept.  
**Action Taken:** Considered
1. **RESOLUTION** - Approving Mitigated Negative Declaration A-09-009 and amending the 2025 Fresno General Plan consistent with Plan Amendment Application No. A-09-009  
**Action Taken:** Resolution No. 2010-280 adopted
2. **RESOLUTION** - Concerning past application of Policies E-1-a and E-1-o of the 2025 Fresno General Plan regarding sidewalk requirement for private streets in planned unit developments for certain entitlement applications deemed complete (**City-wide application**)  
**Action Taken:** Resolution No. 2010-279 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

**10:00 A.M.#1** **HEARING** regarding Community Facilities District No. 11, Annexation No. 41, Tract No. 5869 located at the southeast corner of Barstow and Garfield (**Property located in District 2**) – Public Works Dept.

**Action Taken:** Held

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 Annexation No. 41 and authorizing the levy of a special tax  
**Action Taken:** Resolution No. 2010-281 adopted
- b. **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:** Resolution No. 2010-282 adopted
- c. **RESOLUTION** – Declaring election results  
**Action Taken:** Resolution No. 2010-283 adopted
- d. \* **BILL** – Levying a special tax for the property tax year 2010-2011 and future tax years with and relating to Community Facilities District No. 11, Annexation No. 41  
**Action Taken:** Bill No. B-50/Ordinance No. 2010-51 adopted

**10:00 A.M.#2** **JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY**

Approve Agency minutes of December 2, 2010

**Action Taken:** Approved

- A. Consider actions relating to the approval and adoption of Amendment No. 2 to the Redevelopment Plan for the Airport Area Revitalization Redevelopment Project Area:
  1. **RESOLUTION** - Adopting findings in response to written objections to proposed amendments to Airport Area Revitalization Redevelopment Plan (**Council action**)  
**Action Taken:** Resolution No. 2010-284 adopted
  2. **RESOLUTION** - Approving a Mitigated Negative Declaration prepared for Amendment No. 2 to the Redevelopment Plan for the Airport Area Revitalization Redevelopment Project Area (**Council and Agency action**)  
**Action Taken:** Resolution Nos. 2010-285/1768 adopted
  3. \* **BILL - (For adoption)** - Adopting Amendment No. 2 for the Redevelopment Plan for the Airport Area Revitalization Redevelopment Project Area (**Council action**)  
**Action Taken:** Bill No. B-52/Ordinance No. 2010-52 adopted
- B. Consider recommending the Redevelopment Agency adopt an Owner Participation Agreement with Beal Development LLC, (APN 467-102-01) in the Chinatown Expanded Redevelopment Project Area: (**Agency action**)
  1. Approving an Owner Participation Agreement with Beal Development LLC; and  
**Action Taken:** Approved
  2. Authorize the Executive Director of the Agency to execute the Owner Participation Agreement  
**Action Taken:** Authorized

**RECESS Redevelopment Agency Joint Meeting to 1:30 P.M.**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

1:30 P.M.

### **JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY - CONTINUED**

- A. **HEARING** to consider actions relating to the approval and adoption of proposed amendments to Merger No. 2 Redevelopment Plans comprised of the Fruit/Church and Southwest Fresno General Neighborhood Renewal Area Project Areas (Constituent Project Areas):
1. **RESOLUTION** - Certifying Subsequent Environmental Impact Report prepared for the Fresno Merger No. 2 Redevelopment Plan Amendments Project ("Merger 2 Project")  
**(Council and Agency action)**
    - a. Certifying Subsequent Environmental Impact Report prepared for the Fresno Merger No. 2 Redevelopment Plan Amendments Project ("Merger 2 Project")
    - b. Directing filing of a Notice of Determination
    - c. Making Findings regarding the Proposed Fresno Merger No. 2 Redevelopment Plan Amendments Project
    - d. Adopting a Mitigation Monitoring Program
    - e. Adopting the Statement of Overriding Considerations
  2. **RESOLUTION** - Making findings pursuant to Health and Safety Code Section 33333.10(h) regarding conformance of City Housing Element, financial auditing requirements, and low and moderate income housing fund expenditure requirements, in regard to the adoption of proposed Fruit/Church and Southwest Fresno General Neighborhood Renewal Area Redevelopment Plans in the Merger No. 2 Project Areas **(Agency action)**
  3. \* **BILL - (For introduction and adoption)** - Adopting the Eighth Amendment to the Redevelopment Plan for the Fruit/Church Project to: **1)** extend plan effectiveness; **2)** extend the period for debt repayment and receipt of tax increment; **3)** increase the tax increment limit; and **4)** extend eminent domain authority **(Council action)**
    - a. Redevelopment Plan for the Fruit/Church Project
    - b. Southwest Fresno General Neighborhood Renewal Area Project
  4. \* **BILL - (For introduction and adoption)** - Adopting the Ninth Amendment to the Urban Renewal Plan for the Southwest Fresno General Neighborhood Renewal Area Project Area to: **1)** Extend plan effectiveness; **2)** extend the period for debt repayment and receipt of tax increment; **3)** increase the tax increment limit; and **4)** extend eminent domain authority **(Council action)**  
**Action Taken:** Public hearing held and closed; final action set for 12/16/2010 at 11:00 a.m.

### **ADJOURN AGENCY**

- 3:00 P.M. **RESOLUTION** - Declaring the City Council's intention to award franchises to Allied Waste and Mid Valley Disposal in preparation for holding a public hearing on the matter and a final vote to award the franchises on January 6, 2011 – Dept. of Public Utilities  
**Action Taken:** Resolution No. 2010-286 adopted, as amended

## **CLOSED SESSION**

- A. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6  
**City Negotiators:** Ken Phillips, Terry Bond  
**Employee Organizations:** Fresno Police Officers Association, Basic Unit  
Fresno Police Officers Association, Management Unit  
**Action Taken:** Held

### **SCHEDULED COMMUNICATION –**

1. Appearance by Alphonso Williams to address homeless issues and Humane Rights Day – Not present when called

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

## SCHEDULED COUNCIL HEARINGS AND MATTERS

Dec.	16 -	10:00 A.M.#1	<b>HEARING</b> ordering the vacation of a portion of Mono Street between "P" Street and Santa Fe Avenue and portions of Santa Fe Avenue between Mono and Kern Streets <b>(Property located in District 3)</b>
Dec.	16 -	10:00 A.M.#2	<b>HEARING</b> re: establishment of the Fresno-Clovis Tourism Business Improvement District
Dec.	16 -	10:15 A.M.	<b>HEARING</b> re: Plan Amendment No. A-09-03, Rezone Application No. R-09-03, filed by Bill Robinson of Sol Development
Dec.	16 -	10:20 A.M.	<b>HEARING:</b> re: Rezone Application No. R-10-03, filed by of Visionary Home Builders of California
Dec.	16 -	10:30 A.M.#1	Annual report of the Historic Preservation Commission
Dec.	16 -	10:30 A.M.#2	Presentation of the Mayor's Historic Preservation Awards <b>(30 minutes)</b>
Dec.	16 -	11:00 A.M.	<b>CONTINUED HEARING</b> regarding the change of services and the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 11, Final Tract No. 5553 of the City of Fresno Community Facilities District No. 11 <b>(Property located in District 6, corner of Chestnut and Teague)</b> – Public Works Dept.
Dec.	16 -	1:30 P.M.	<b>HEARING</b> on proposed changes to Fresno Area Express and Handy Ride fares
Dec.	16 -	2:00 P.M.	<b>HEARING</b> re: Final vote on award of Commercial Solid Waste Franchise <b>(Continue to 1/6/2011 @ 3:00 p.m.)</b>
Dec.	16 -	4:00 P.M.	<b>CONTINUED HEARING</b> to consider of Plan Amendment Application No. A-08-11, Rezone Application No. R-08-15, a Development Agreement by and between the City of Fresno and John Allen Company, LLC, pertaining to approximately 238 acres, known as the "El Paseo Project <b>(Property located in District 2)</b>
Jan.	6 -	9:00 A.M.	Swearing-in of the newly elected Councilmembers
Jan.	6 -	3:00 P.M.	<b>CONTINUED HEARING</b> re: Final vote on award of Commercial Solid Waste Franchise
Jan.	13 -	10:00 A.M.	<b>HEARING</b> re: Plan Amendment No. A-10-09, Rezone Application No. R-10-07, filed by Dirk Poeschel Land Development Services
Jan.	27 -	8:30 A.M.	Presentation of Employee of the Quarter Ceremony – Reception immediately following – 2 <sup>nd</sup> floor foyer
Jan.	27 -	10:00 A.M.	<b>HEARING</b> re: Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development Services
Jan.	27 -	3:00 P.M.	<b>HEARING</b> to Consider the Roeding Park and Fresno Chaffee Zoo Facility Master Plans, Environmental Impact Report and Conditional Use Permit Application No. C-08-186
Feb.	3 -	8:30 A.M.	Make a Promotion a Commotion Ceremony – Reception immediately following – 2 <sup>nd</sup> floor foyer
Feb.	3 -	3:00 P.M.	<b>CONTINUED HEARING</b> to Consider the Roeding Park and Fresno Chaffee Zoo Facility Master Plans, Environmental Impact Report and Conditional Use Permit Application No. C-08-186